

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

TERO PAUNONEN,

Plaintiff,

- against -

TEXAS HELICAL PILES, LLC

Defendant.

Docket No. 5:20-cv-00334

JURY TRIAL DEMANDED

**COMPLAINT**

Plaintiff Tero Paunonen (“Pauonen” or “Plaintiff”) by and through his undersigned counsel, as and for his Complaint against Defendant Texas Helical Piles, LLC (“Texas Helical Piles” or “Defendant”) hereby alleges as follows:

**NATURE OF THE ACTION**

1. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendant’s unauthorized reproduction and public display of copyrighted photographs of construction sites, owned and registered by Pauonen, a professional photographer. Accordingly, Pauonen seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq.*

**JURISDICTION AND VENUE**

2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.*, and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. Upon information and belief, this Court has personal jurisdiction over Defendant because Defendant resides and/or transacts business in Texas.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1331(b).

### **PARTIES**

5. Pauonen is a professional photographer in the business of licensing his photographs for a fee having a usual place of business at Yia-Haikkoontie 10A, Porvoo, Uusimaa 06400 Finland.

6. Upon information and belief, Texas Helical Piles is a domestic limited liability company and existing under the laws of the State of Texas, with a place of business at 1314 Muncey Street, San Antonio, Texas 78208. Upon information, Texas Helical Piles is registered with the Texas Department of State to do business in Texas. At all times material hereto, Texas Helical Piles has owned and operated a website at the URL: [www.TexasPiles.com](http://www.TexasPiles.com) (the “Website”).

### **STATEMENT OF FACTS**

#### **A. Background and Plaintiff’s Ownership of the Photographs**

7. Pauonen photographed construction sites (the “Photographs”).

8. Pauonen is the author of the Photographs and has at all times been the sole owner of all right, title and interest in and to the Photographs, including the copyright thereto.

9. The Photographs were registered with United States Copyright Office and were given Copyright Registration Numbers VA 2-137-037, VA 2-137-138, VA 1-36-911, VA 2-137-146, VA 2-137-035, VA 2-136-934, VA 2-137-037, VA 2-147-740.

#### **B. Defendant’s Infringing Activities**

10. Texas Helical Piles ran the Photograph on the Website. Screenshots of the Photographs on the Website are attached hereto as Exhibits A, B, C and D.

11. Texas Helical Piles did not license the Photographs from Plaintiff for its Website, nor did Texas Helical Piles have Plaintiff's permission or consent to publish the Photographs on its Website.

**CLAIM FOR RELIEF**  
**(COPYRIGHT INFRINGEMENT AGAINST DEFENDANT)**  
**(17 U.S.C. §§ 106, 501)**

12. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-11 above.

13. Texas Helical Piles infringed Plaintiff's copyright in the Photographs by reproducing and publicly displaying the Photographs on the Website. Texas Helical Piles is not, and has never been, licensed or otherwise authorized to reproduce, publically display, distribute and/or use the Photographs.

14. The acts of Defendant complained of herein constitute infringement of Plaintiff's copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

15. Upon information and belief, the foregoing acts of infringement by Texas Helical Piles have been willful, intentional, and purposeful, in disregard of and indifference to Plaintiff's rights.

16. As a direct and proximate cause of the infringement by the Defendant of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to damages and Defendant's profits pursuant to 17 U.S.C. § 504(b) for the infringement.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Defendant Texas Helical Piles be adjudged to have infringed upon Plaintiff's copyrights in the Photographs in violation of 17 U.S.C §§ 106 and 501;
2. That Plaintiff be awarded Plaintiff's actual damages and Defendant's profits, gains or advantages of any kind attributable to Defendant's infringement of Plaintiff's Photographs;
3. That Defendant be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;
4. That Plaintiff be awarded punitive damages for copyright infringement;
5. That Plaintiff be awarded attorney's fees and costs;
6. That Plaintiff be awarded pre-judgment interest; and
7. Such other and further relief as the Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: Valley Stream, New York  
March 17, 2020

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